

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 DAVID A. HANO,

4 Plaintiff

5 v.

6 STATE OF NEVADA, *et al.*,

7 Defendants.
8

Case No. 2:19-cv-02246-GMN-EJY

ORDER

9 **I. DISCUSSION**

10 On January 13, 2020, this Court ordered Plaintiff to file a fully complete application to
11 proceed *in forma pauperis* or pay the full \$400 filing fee for a civil action within forty-five (45) days
12 from the date of that order. (ECF No. 5 at 2). On January 15, 2020, Plaintiff filed a motion for an
13 extension of time to file a fully complete application to proceed *in forma pauperis* because he had
14 not received his financial certificate from the NDOC. (ECF No. 6 at 2). On January 16, 2020, The
15 Court granted Plaintiff's motion for an extension of time and ordered Plaintiff to either file a fully
16 complete application to proceed *in forma pauperis* on or before March 20, 2020 or pay the full \$400
17 filing fee for a civil action. (ECF No. 7).

18 On March 13, 2020, Plaintiff filed a second motion for a continuance, as he was still waiting
19 for his inmate account statement for the past six months from the NDOC. (ECF no. 9). The Court
20 now grants Plaintiff's second motion for a continuance. Plaintiff shall file a fully complete
21 application to proceed *in forma pauperis* or pay the full \$400 filing fee on or before **May 18, 2020**.
22 No further extensions will be granted. If Plaintiff is not able to file a fully complete application to
23 proceed *in forma pauperis* by the May 18, 2020 deadline, the Court will dismiss the case, without
24 prejudice, for Plaintiff to file a new case when he is able to acquire the necessary documents to file
25 a complete application to proceed *in forma pauperis*. To clarify, a dismissal without prejudice means
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1 the Plaintiff does not give up the right to refile the case with the Court, under a new case number,
2 when Plaintiff has all necessary documents needed to submit with his application to proceed *in forma*
3 *pauperis*.

4 **II. CONCLUSION**

5 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff's second motion for a
6 continuance (ECF No. 9) is granted.

7 IT IS FURTHER ORDERED that on or before **May 18, 2020**, Plaintiff shall either: (1) file
8 a fully complete application to proceed *in forma pauperis*, on the correct form with complete
9 financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing
10 a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

11 IT IS FURTHER ORDERED that if Plaintiff is not able to file a fully complete application
12 to proceed *in forma pauperis* by the May 18, 2020 deadline, the Court will dismiss the case, without
13 prejudice, for Plaintiff to file a new case when he is able to acquire the necessary documents to file
14 a complete application to proceed *in forma pauperis*.

15 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this Order,
16 dismissal of this action will result.

17 DATED: March 17, 2020

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20 ELAYNA J. YOUCHAK
21 UNITED STATES MAGISTRATE JUDGE
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